

## **Remarks**

### **1. Summary of the Office Action**

In the present application, claims 1-30 are pending. In the office action mailed October 9, 2007, all claims stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent Publication No. 2005/0059413 (Nose), in view of U.S. Patent Publication No. 2007/0032194 (Griffin).

### **2. Response to Rejections under 35 U.S.C. § 103(a)**

#### **a. Claims 1-28**

The Griffin reference was filed on August 2, 2005, and does not claim an earlier priority date. The present application was filed on April 15, 2004. Applicant submits that Griffin is therefore disqualified as a basis for rejecting any claims of the present application, and in particular cannot be used in claim rejections under 35 U.S.C. § 103(a). The Examiner has not asserted that the Nose reference alone anticipates claims 1-28. Applicant respectfully requests favorable reconsideration and allowance of these claims. Further, Applicant does not concede any of the Examiners specific assertions with respect to claims 1-28.

#### **b. Claims 29-30**

Regarding claim 29, the Examiner rejects the claimed matter as obvious over Nose. The Examiner does not explicitly cite the Griffin reference in the rejection of this claim.

Claim 29 is directed to a network access gateway assisting a presence server in the delivery of timely presence information to a communication unit. However, the Nose reference to directed to the presence server itself, not a network access gateway.

The Examiner asserts that Nose teaches a network access server in the Abstract and in Fig. 1. However, Nose's Abstract and Fig. 1 are not teaching a network access server; rather, they are teaching a presence server. This is clearly stated in the Abstract, "a server which

manages presence information.” Fig. 1 illustrates the components of such a server, including a position information system (150), instant messaging system (120), and a presence information database (110). Similarly, Nose does not teach a network access server that automatically sources a message requesting an update of presence information related to the communication unit to be transmitted to the communication unit. The Nose reference is directed to functions related to, and for the most part internal to, a presence server. It does not disclose, for example, a network access server sending a request message to a presence server to trigger an action from the presence server.

The Examiner has not established that the Nose reference anticipates the claimed matter. Further, the claimed matter does not obviously follow from the teaching of the Nose reference. Therefore, Applicant submits that claim 29 is allowable. Without conceding any assertions by the Examiner not addressed herein, Applicant also submits that claim 30 is allowable for at least the reason that it depends from an allowable claim. Therefore, Applicant respectfully requests favorable reconsideration and allowance of these claims.

### **3. Conclusion**

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3353.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOF LLP**

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By: /David A. Grabelsky/  
David A. Grabelsky  
Reg. No. 59,208